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Security Council

Seventy-third year

Provisional

8226th meeting
Tuesday, 10 April 2018, 10 a.m.
New York

President:	Mr. Meza-Cuadra	(Peru)
Members:	Bolivia (Plurinational State of)	Mr. Llorentty Soliz
	China	Mr. Wu Haitao
	Côte d'Ivoire	Mr. Bieke
	Equatorial Guinea	Mr. Ndong Mba
	Ethiopia	Mr. Alemu
	France	Mr. Delattre
	Kazakhstan	Mr. Umarov
	Kuwait	Mr. Alotaibi
	Netherlands	Mr. Van Oosterom
	Poland	Mr. Radomski
	Russian Federation	Mr. Polyanskiy
	Sweden	Mr. Orrenius Skau
	United Kingdom of Great Britain and Northern Ireland	Mr. Hickey
	United States of America	Ms. Tachco

Agenda

The question concerning Haiti

Report of the Secretary-General on the United Nations Mission for Justice Support in Haiti (S/2018/241)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The question concerning Haiti

Report of the Secretary-General on the United Nations Mission for Justice Support in Haiti (S/2018/241)

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Haiti to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2018/286, which contains the text of a draft resolution submitted by the United States of America.

I wish to draw the attention of Council members to document S/2018/241, which contains the report of the Secretary-General on the United Nations Mission for Justice Support in Haiti.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:
Bolivia (Plurinational State of), Côte d'Ivoire, Equatorial Guinea, Ethiopia, France, Kazakhstan, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:
None

Abstaining:
China, Russian Federation

The President (*spoke in Spanish*): The draft resolution received 13 votes in favour, none against and 2 abstentions. The draft resolution has been adopted as resolution 2410 (2018).

I now give the floor to those members of the Council who wish to make statements after the voting.

Ms. Tachco (United States of America): Today's resolution 2410 (2018), renewing the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) for another year, is about Haiti. It is about the continuing progress the country has made towards security and stability. It is about adapting the United Nations peacekeeping mission there to the political and security situation on the ground. It is about helping Haiti to develop the capacity to take the lead in providing its own security and strengthening its own institutions.

While some members of the Council may have tried to sow confusion about what is standard peacekeeping language in a Security Council mandate, the fact remains that we are here today in support of Haiti and of MINUJUSTH. Time and again, the Council has expressed its support for equipping peacekeeping missions with what is needed to protect civilians around the world, and today is no different. With this resolution, the Council reaffirms its support for the Government of Haiti, for MINUJUSTH and for their close cooperation with the United Nations country team and all of the United Nations agencies working to build a stronger Haiti. This will be key as MINUJUSTH to transition to a non-peacekeeping presence in October of 2019.

Mr. Polyanskiy (Russian Federation) (*spoke in Russian*): I would like to begin my statement in explanation of vote with words of support for Haiti and our hopes that we will see it sustainably stabilized as soon as possible. I am not going to repeat what I said a week ago on the subject (see S/PV.8220), but will recall only that almost all the speakers on 3 April noted the encouraging developments in the situation in Haiti and mentioned the possibility of the peacekeeping mission's gradual withdrawal and transfer of authority to the Government of Haiti. The latest report (S/2018/241) of the Secretary-General on the activities of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) contained similar sentiments that were affirmed by the Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Pierre Lacroix, after his visit to Haiti.

Nevertheless, during the work on the draft of resolution 2410 (2018) extending the mandate of the Mission, we were surprised to find that the authors had decided to toughen a key provision of the document that had remained unchanged since the peacekeeping presence in Haiti began in 2004, which is the reference

to the procedure for the application of Chapter VII of the Charter of the United Nations, which provides for the use of sanctions and military force. For the past 14 years, the peacekeeping presence in the country operated under Chapter VII year after year, but its application was carefully limited to the specific tasks of ensuring the physical security of the civilian population and the peacekeepers themselves. It has been done that way in other cases as well, for example in resolution 2386 (2017), on Abyei, which, by the way, was also initiated by our American colleagues. The new Mission in Haiti is focused on helping the Government to strengthen its own capacity and to monitor human rights.

This year, despite all the discussions about the speedy transfer of the Mission's functions to the host Government, several Council members decided to up the pressure and did so in an inexplicable hurry, presenting the draft in blue more than a week before the expiry of the Mission's mandate. Why did the authors not use that time to hold a thorough discussion and find an acceptable consensus? I would like to ask those who supported this approach what has changed in the human rights situation, in a country where for a long time there has been no armed conflict, so that it has suddenly become a threat to international peace and security. Or is this another attempt to use the Security Council to put pressure on a sovereign State? It looks very like yet another effort to speculate on the subject of human rights in one of the world's most important international forums, established exclusively to discuss the most dangerous threats to international peace. There can be no question that the situation in Haiti bears no relation to that.

I would like to remind the Council that a week ago, most of those States advocated strengthening Haitians' sense of national responsibility and the importance of the Mission's cooperation with the Government. But in fact the resolution ignores the position of Port-au-Prince on this crucial issue, which is well known, since the Security Council visited Haiti very recently. We also cannot help noticing the increasingly critical attitude to the United Nations Mission on the part of the people of Haiti. That is an extremely worrying fact that should be attended to as a matter of priority. We believe that such approaches will not contribute to the effectiveness of the Mission's work. We are already seeing corresponding signs that are cause for concern. It is good that Under-Secretary-General Lacroix knows about the misunderstandings between the Head of the Mission and the host country, as he alluded to in his statement.

There is one other worrying issue. A number of delegations that regularly and publicly express their full support for the United Nations zero-tolerance policy for sexual crimes have refused to help to implement it. The result is that the resolution overlooks crimes in which representatives of non-governmental organizations accredited to the United Nations are involved, despite the fact that Haitian society has desperately urged the international community to focus on the problem. We have heard no intelligible explanations for such double standards. In this regard, we appeal to the Mission leadership and the Secretariat to inform the Council of known flagrant cases, for which the necessary tools exist.

Since we believe that international support is critical to Haiti at this very important stage, we did not decide to block the resolution in its current form. The Mission will continue, in strict accordance with its mandate, to provide assistance to the host country in upholding the rule of law and strengthening the capacity of its law-enforcement bodies. However, for the reasons I have stated, we cannot support the resolution as it is written. We insist that invoking Chapter VII of the Charter of the United Nations, if it is even applicable to the situation in Haiti, should be contemplated only as a last resort for issues of physical safety.

In conclusion, I would like to point out that we are unfortunately witnesses to the fact that in their attempts to put pressure on everyone involved for no reason, some well-known Council members have once again ruined another consensus vote, despite the fact that there are already too few topics on which the Council has a united position. This time, colleagues decided to toughen their position on a country where the situation is evolving more or less positively, the United Nations Mission is functioning and there are hopes that it can be gradually drawn down. There is no way we can agree with that approach. As a result, the significance of today's decision is seriously undermined. Was it worth it? It might have been better to agree on a consensus-based resolution rather than moving it up by a week. But regardless of that, we want to express our support to Port-au-Prince and affirm that Russia will continue to work to ensure that the results of the Security Council's efforts will help to truly normalize the situation in Haiti and strengthen its sovereignty and self-sufficiency.

Mr. Llorentty Solíz (Bolivia) (*spoke in Spanish*): Bolivia, as a country committed to its region but above all in the interest of responsibility and transparency, would like to explain its vote today. We voted in favour of resolution 2410 (2018), but would like to highlight specific elements that were not considered by the United States delegation, as penholder, with regard to the renewal of the mandate of the United Nations Mission in Support of Justice in Haiti (MINUJUSTH). Those elements have already been expressed by some delegations, including my own.

That is why, the resolution today to renew the mandate of MINUJUSTH has not been adopted unanimously, which is cause for concern given that it does not send the right message to the Republic of Haiti, to the Mission and to the international community, in general. MINUJUSTH requires the full support of the Council in order to fulfil its mandate, and Haiti requires the effective support in order to tackle its impending challenges.

Moreover, it is worrying that penholder States are overstepping their boundaries without considering the positions and opinions of other members of the Security Council, not to mention those of the host country. The resolution provides that the Security Council shall act in accordance with Chapter VII of the Charter of the United Nations for the entire mandate of MINUJUSTH. The main argument for that is that in last year's resolution 2350 (2017), the Security Council was already acting in line with Chapter VII. The fifteenth preambular paragraph of that resolution states:

> "Acting under Chapter VII of the Charter of the United Nations, as described in section 1 of operative paragraph 7 of resolution 1542 (2004), and with regards to operative paragraphs 5 to 14 that relate to the new mission,"

The human rights component is included in paragraph 6. Nevertheless, the term "relate to" implies that the Security Council acts under Chapter VII only with regard to section 1 of operative paragraph 7 of resolution 1542 (2004), included between operative paragraphs 5 and 14, whereas section 1 of operative paragraph 7 of resolution 1542 (2004) was only in reference to a secure and stable environment, that is, acting under Chapter VII of the Charter of the United Nations with regard to section 1. It subsequently states that the United Nations Stabilization Mission in Haiti will enjoy the following mandate in a secure and stable environment.

We have been told that the resolution is about Haiti. During the June 2017 Security Council visit to Haiti, the President of Haiti, members of the Haitian Parliament and various representatives of civil society expressly requested that the mandate be governed by Chapter VI of the Charter of the United Nations because, in their view, Haiti is certainly not a threat to regional or international peace and security.

We are confident that, in order to build trust between the United Nations and Haiti, at the very least the language used in previous resolutions of the past 14 years should have been used. Finally, we are convinced that the current language used in the adopted resolution must not set a precedent for future missions. Obviously, it is concerning that the reality on the ground is not taken into account and that resolutions are put to a vote with the knowledge that there is no consensus.

Mr. Wu Haitao (China) (*spoke in Chinese*): At present, the United Nations Mission in Support of Justice in Haiti (MINUJUSTH) should focus on helping the Haitian Government to shoulder the responsibility of maintaining national security and ultimately achieve an orderly drawdown, in line with the national interests of Haiti and countries in the region.

China believes that the Security Council has the primary responsibility of maintaining international peace and security. Currently, the overall situation in Haiti is stable. The mandate of MINUJUSTH should be clear and explicit, with a focus on helping Haiti to address peace and security challenges, rather than focusing too much on human rights in Haiti. The members of the Council should have carried out patient consultations on the draft resolution. When some members of the Council had concerns about the draft text, the relevant parties should not have railroaded a vote. The resolution just adopted on does not fully take into account the legitimate concerns of some members.

China regrets that and therefore voted in abstention. China hopes that the members of the Council will continue to remain united, make sure that the MINUJUSTH implements the two-year drawdown strategy smoothly and strive to promote stability and development in Haiti.

Mr. Delattre (France) (*spoke in French*): France welcomes the adoption of resolution 2410 (2018),

renewing the mandate of the United Nations Mission in Support of Justice in Haiti (MINUJUSTH) for one year and setting the stage for its withdrawal with a view to a transition in October 2019. Until then, MINUJUSTH will pursue its mandate, based on three pillars: strengthening the Haitian National Police, consolidating the rule of law and monitoring the human rights situation. We regret that the Mission did not receive the Council's unanimous consent, despite the fact that we all support the objective of a stable and prosperous Haiti.

MINUJUSTH's tasks regarding the professionalization of justice and the training of police represent the foundations of long-term stability and the necessary conditions for the economic development of Haiti. We encourage the Haitian authorities to take advantage of this United Nations tool in order to consolidate the country's stability and improve the people's well-being. The prospect of meeting an exit strategy by October 2019 should not paralyse us or affect the remarkable work of men and women currently on the ground. The benchmarks identified by the Secretary-General, including those on the protection of the rights of Haitian citizens, are a compass for guiding the work of MINUJUSTH and the Haitian authorities. It is now incumbent upon the Haitian State to take ownership of those objectives in order to ensure the enduring success of its cooperation with the United Nations. Haiti can count upon the full support of France in that endeavour.

Mr. Hickey (United Kingdom): The United Kingdom welcomes the adoption of resolution 2410 (2018) today and the renewal of the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) for a further 12 months. As the United States has made clear, today's vote is not a reflection of MINUJUSTH or the Government of Haiti. As we set out on Tuesday (see S/PV.8220), we are committed to the development of Haiti and an integrated United Nations country presence. Progress against the exit strategy over the final 18 months of the Mission will enable a smooth transfer of tasks from MINUJUSTH to the United Nations country team and the Government of Haiti.

We believe strongly that MINUJUSTH must have the tools it needs to make that transition a success, and that includes continued authorization under Chapter VII to use all necessary means to carry out its mandate. In addition, progress must be measured against the Secretary-General's benchmarks and anchored in Haiti's long-term development, security and political priorities.

MINUJUSTH cannot deliver that alone. Haitian ownership and delivery of important reforms are critical to a positive future for the people of Haiti. We therefore repeat our call on the Government of Haiti, MINUJUSTH and the United Nations country team to work closely together to ensure that the solid foundations exist for long-term political stability.

Mr. Alemu (Ethiopia): We welcome the adoption of resolution 2410 (2018) renewing the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH). It is unfortunate that the resolution could not be adopted by consensus, no doubt for good reason. We had hoped that some of the concerns expressed on the draft text, including the issues with regard to invoking Chapter VII, could have been addressed. We believe that has implications for future discussions, and that is why we conveyed our concerns to the penholder, together with other like-minded countries.

Of course, it would have been much better if we had been able to send a strong and unified message in support of Haiti. Nonetheless, we all agree that the establishment of the Mission was indeed very important to consolidating peace by strengthening the institutions of justice and the rule of law, as well as supporting the institutional and operational capacity of the Haitian National Police. The renewal of its mandate will enable it to continue assisting the Government in strengthening rule of law institutions. We appreciate the initiatives and efforts being undertaken by the Mission to build the capacities of the Haitian Police in strategic and operational planning, criminal intelligence, investigations, organized crime, crime scene management, recruitment, training, gender mainstreaming, crowd control, information technology, communications, logistics and infrastructure maintenance. However, we note the challenges being faced in the area of justice and correction and the efforts being made by MINUJUSTH to address them, as highlighted in the report of the Secretary-General (S/2018/241).

We understand that Haiti still continues to face enormous challenges and vulnerabilities. We hope the new partnership established between Haiti and the United Nations with the establishment of MINUJUSTH will lay a solid foundation for the long-term stability and sustainable development of Haiti.

Mr. Ndong Mba (Equatorial Guinea) (*spoke in Spanish*): The Republic of Equatorial Guinea expresses its satisfaction with the renewal of the mandate for the United Nations Mission for Justice Support in Haiti (MINUJUSTH) in order to ensure the strengthening of its State institutions over the next 12 months of the mandate. It will provide support to Haiti's administrative, legal and legislative institutions, strengthen the rule of law; and help to fight crime and promote good governance.

However, we express our concern with regard to several of the Chapter VII provisions that have been included in resolution 2410 (2018). We would have preferred that priority had been given to the spirit of trust between the support Mission and the Government of Haiti and also that any disagreements could have been solved through dialogue. In that light, we would have preferred that those provisions would have been included under Chapter VI. However, given the urgent need to renew the Mission's mandate, the Republic of Equatorial Guinea voted in favour.

Mr. Van Oosterom (Netherlands) Haiti has in recent years embarked upon a remarkable journey of positive change. The country has made great strides towards a stable political and security situation. That is of direct importance to the Kingdom of the Netherlands, as three constituent countries of our Kingdom — Saint Martin, Aruba and Curaçao — are in the Caribbean and we have many Haitian citizens living in these countries.

In our view, Haiti should now seize this opportunity to further build and strengthen its public institutions to ensure the rule of law and respect for human rights. The United Nations Mission for Justice Support in Haiti (MINUJUSTH) was set up to support the Haitian Government and people with this ambition. We welcome the adoption of resolution 2410 (2018), which extends the existing mandate of MINUJUSTH and enables the Mission to continue its important work in integrated way. We therefore regret that the resolution could ultimately not count on the unanimous support of the Council. We express the hope that Haiti, in close partnership with the Mission, and involving women at all levels, can and will build a solid foundation for longer-term political stability, security and inclusive development.

Mr. Radomski (Poland): Poland welcomes the adoption of resolution 2410 (2018) extending the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH). However, it is unfortunate that we were not able to maintain the good practice of having an anonymous adoption of a resolution that technically rolls over the mandate. Poland voted in favour of the resolution, hoping for the unity of the Council.

Another division of the Council sends a negative message to a place that needs positive signals now, as it is right in the middle of the process of transition. It is time not to point fingers, but rather to find a way to avoid such a situation in the future for the sake of the Council's credibility and efficiency.

Let me conclude with expressing once again our satisfaction with the progress made by the Haitian Government and its people in building a better future for their country. We believe that further presence of MINUJUSTH will support those efforts.

The President (*spoke in Spanish*): I will now take the floor in my national capacity.

Peru welcomes the adoption of resolution 2410 (2018), extending the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) for an additional year and laying the foundation for the transition towards a normalization of the United Nations presence in the post-peacekeeping period. In that regard, we place our trust in the important work being carried out by the Mission in support of the Haitian Government in strengthening the rule of law, professionalizing the police force and monitoring the human rights situation.

We also believe that efforts in those areas should be aimed at achieving the objectives identified by the Secretary-General, which establish a road map for stability, security and prosperity in Haiti. Despite the lack of unanimity on resolution 2410 (2018), which we have just adopted, we feel it is important to uphold the commitment that we know exists among all members of the Council with regard to the need to continue to support Haiti. We cannot lose sight of the fact that the responsibility of the Council is larger than the mandate established for this Mission. We must contribute to building a dynamic relationship of mutual trust between the Government of Haiti and the United Nations in general.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Haiti.

Mr. Régis (Haiti) (*spoke in French*): I wish to thank you, Mr. President, for having granted me an opportunity to voice the views of my delegation following the adoption of resolution 2410 (2018), concerning the United Nations Mission for Justice Support in Haiti (MINUJUSTH). The document appears to align with the approach set out in the report of the Secretary-General (S/2018/241), dated 20 March 2018, and with his largely positive appraisal of the situation in Haiti in recent months.

My delegation notes that the first key element of the text is the one-year renewal of the mandate of MINUJUSTH until 15 April 2019. The second element is the gradual drawdown, over several stages, of the presence of the United Nations police, beginning 15 October 2018 and ending in April 2019. The third element is a referral to the exit strategy, which is to be spread out over a two-year period, based on an assessment report to be submitted to the Council by the Secretary-General. The fourth element is the conduct of a strategic assessment mission in February 2019 to set the stage for the withdrawal of the Mission in the light of the benchmarks that have been jointly set out. The fifth element is the design of a transition plan, including a United Nations presence in Haiti to be comprised of country teams, various funds, programmes and agencies of the United Nations, working in close cooperation with the Haitian Government.

My delegation deplores, however, the fact that the recommendations delivered through Member States of the Council were not taken into account, all the more so given that the addressee of the resolution is the Haitian Government. We see an example of that in the tenth preambular paragraph, in the first operational provision of the text and, more broadly speaking, in the reference to Chapter VII of the Charter of the United Nations, despite the unanimous view that MINUJUSTH is a mission of support and technical assistance for the national institutions responsible for upholding the rule of law in Haiti.

The Haitian Government has had extensive experience in cooperating with the United Nations in general, and with the Security Council in particular. Over the course of the months to come, and in the operations and initiatives of MINUJUSTH in Haiti, my delegation hopes to see the development of harmonious relations with the Mission at all levels. To echo the Under-Secretary-General for Peacekeeping Operations, it is important to maintain a healthy relationship with the public authorities and the population, based on solidarity and mutual trust. In that regard, my delegation welcomes the adoption of resolution 2410 (2018). However, it expresses reservations vis-à-vis the preamble and the provisions that, although they did not receive the necessary consensus, have been included in the text. We are particularly concerned about the reference to Chapter VII of the Charter.

The meeting rose at 10.45 a.m.